

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

NO. 3:16-CV-489-CWR-RHWR

HINDS COUNTY, ET AL.

DEFENDANTS

**URGENT AND NECESSITOUS MOTION
TO STAY RECEIVER ORDERS PENDING APPEAL**

Defendants Hinds County, Mississippi, and Sheriff Tyree Jones, in his official capacity (collectively, “the County”), respectfully submit this Motion to Stay Receiver Orders Pending Appeal.

1. On October 31, 2022, the Court entered an Order Appointing Receiver (ECF 215) and an Order outlining the Receiver’s duties (ECF 216) (“Receiver Orders”). On November 1, 2022, the County filed Notices of Appeal of the Receiver Orders.

2. The Receiver Orders should be stayed pending appeal because, as explained in more detail in the contemporaneously filed supporting Memorandum, the four factors the Court must analyze to determine whether to grant a stay pending review on appeal militate in favor of a stay.

3. Because the appeals are proceeding in the Fifth Circuit, receivership costs and actions are beginning, the timelines in the Receiver Orders have commenced, and the Receiver completely takes over the day-to-day operation of RDC on January 1, 2023, the County respectfully requests that this Court treat this Motion as urgent and necessitous under L.U.Civ.R. 7(b)(8) and decide it expeditiously.

The County respectfully requests that the Court grant this Motion to Stay the Receiver Orders pending resolution of the parties’ consolidated appeal.

Dated: November 10, 2022.

Respectfully submitted,

PHELPS DUNBAR, LLP

BY: /s/ James W. Shelson

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that on November 10, 2022, I had this Motion electronically filed with the Clerk of the Court, using the CM/ECF system, which sent notification of such filing to all counsel of record in this matter.

/s/ James W. Shelson
JAMES W. SHELSON